

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

TALECRIS BIOTHERAPEUTICS, INC. and  
BAYER HEALTHCARE LLC,

Plaintiffs,

v.

BAXTER INTERNATIONAL INC. and  
BAXTER HEALTHCARE CORPORATION,

Defendants.

Civil Action No.: 05-349-GMS

Jury Trial Demanded

BAXTER HEALTHCARE CORPORATION,

Counterclaimant,

v.

TALECRIS BIOTHERAPEUTICS, INC. and  
BAYER HEALTHCARE LLC,

Counterdefendants.

**BAXTER INTERNATIONAL, INC. AND BAXTER HEALTHCARE  
CORPORATION'S IDENTIFICATION OF PRIOR ART PURSUANT TO 35 U.S.C.  
SECTION 282**

In accordance with 35 U.S.C. Section 282, Defendants Baxter International, Inc. and Baxter Healthcare Corporation ("Baxter") hereby identify the following prior art upon which it will rely in this case. This identification of prior art is based on the evidence produced during discovery and Plaintiffs Talecris Biotherapeutics, Inc. and Bayer Healthcare LLC's current contentions. Baxter reserves the right to supplement this identification in response to new information, contentions or defenses not currently known to Baxter.

1. U.S. Patent No. 4,396,608 (Tenold) (1983)
2. U.S. Patent No. 4,540,573 (Neurath, *et al.*) (1985)

3. U.S. Patent No. 4,762,714 (Mitra) (1988)
4. U.S. Patent No. 5,256,771 (Tsay) (1993)
5. EP 0523404A1 (Dobkin) (1992)
6. EP 525 502 A1 (Gehring) (1992)
7. Barandun, S., *et al.*, "Intravenous Administration of Human  $\gamma$ -Globulin," *Vox Sang.* 7:157-174 (1962)
8. Biesert, *et al.*, "Virus validation of a new polyvalent intravenous immunoglobulin (Octagam)," *Vox Sang.* 67:S2 (July 1994); Abstract 0726
9. Edwards, *et al.*, "Tri(n-Butyl) Phosphate/Detergent Treatment of Licensed Therapeutic and Experimental Blood Derivatives," *Vox Sang.* 52:53-59 (1987)
10. Eriksson, *et al.*, "Virus validation of plasma-derived products produced by Pharmacia, with particular reference to immunoglobulins," *Blood Coagulation and Fibrinolysis*, 5(3):S37-S44 (1994)
11. Hämäläinen *et al.*, "Virus Inactivation during Intravenous Immunoglobulin Production," *Vox Sang.* 63:6-11 (1992)
12. Louie, *et al.*, "Inactivation of Hepatitis C Virus in Low pH Intravenous Immunoglobulin," *Biologicals* 22:13-19 (1994)
13. Malagras, J., *et al.*, "Mesure de l'activité anti-complémentaire, des préparations de gamma-globulines injectables par voie intra-veineuse", *Revue Francaise de Transfusion* T. XHL. N° 2. (1970)
14. Ng, *et al.*, "Process-Scale Purification of Immunoglobulin M Concentrate," *Vox Sang.* 65:81-86 (1993)

15. Octagam EU Brochure (February 1995) (BXTR148771 - BXTR148786)
16. Octagam Israeli Brochure (1994) (BXTR159709 - BXTR159712)
17. Piet, *et al.*, "The use of tri(n-butyl) phosphate detergent mixtures to inactivate hepatitis viruses and human immunodeficiency virus in plasma and plasma's subsequent fractionation," *Transfusion*, 30(7) 591-598 (1990)
18. Prince, *et al.*, "Failure of a human immunodeficiency virus (HIV) immune globulin to protect chimpanzees against experimental challenge with HIV," *Proc. Natl. Acad. Sci. USA*, 85:6944-6948 (1988)
19. Rousell R., *et al.* "Anticomplementary Activity and the Safety of Intravenous Immunoglobulin Clinical Therapeutics" Vol 11:143-150 (1989)
20. Uemera, Y., *et al.*, "Inactivation and Elimination of Viruses during Preparation of Human Intravenous Immunoglobulin," *Vox Sang.* 67:246-254 (1994)
21. Venoglobulin-S product insert (1992) (BXTR096247 - BXTR096248)
22. Wickerhauser, M. and Hao, Y., "Large Scale Preparation of Macroglobulins," *Vox Sang.* 23:119-125 (1972)
23. Yang, Y.H., *et al.*, "Antibody Fc Functional Activity of Intravenous Immunoglobulin Preparations Treated with Solvent-Detergent for Virus Inactivation," *Vox Sang.* 67:337-344 (1994)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

**CERTIFICATE OF SERVICE**

I, Philip A. Rovner, hereby certify that on June 8, 2007, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

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